



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT
Docket No.: S4264.000/P000

TH
10/18/94
10/18/94

In re Application of:

Charles B. SIMONE

Art Unit: 2311

RECEIVED

Serial No.: 08/063,734

Examiner: G. Shingala

OCT 13 1994

Filed: May 20, 1993

GPO:PLD

For: METHOD AND APPARATUS FOR LIFESTYLE RISK EVALUATION
AND INSURABILITY DETERMINATION

RESPONSE

10/19/94
10/19/94
Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

In response to the Office Action mailed July 14, 1994, we respond as follows:

REMARKS

In response to the Office Action mailed July 14, 1994, claims 1-8 remain pending in this application. Reconsideration of all rejections is respectfully requested.

Claims 1-8 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter, and in particular to a method of doing business. Reconsideration of this rejection is respectfully requested in light of several recent decisions by the Court of Appeals for the Federal Circuit (CAFC).

The CAFC recently decided the case of In Re Alappat, No. 92-1381 slip op. (Fed. Cir. 1994), which involved claims covering

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PATENT
AMENDMENT TRANSMITTAL

GP 2311

FORM PTO-1083

Case Docket Number: S4264.000/P000

In re application of Charles B. SIMONE

Serial 08/063,734

Filed: May 20, 1993

For: METHOD AND APPARATUS FOR LIFESTYLE RISK EVALUATION AND INSURABILITY DETERMINATION

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

REG'D

OCT 13 1994

GRANTED

- Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)			OTHER THAN A SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA			
TOTAL	8	MINUS	20				X 11 \$0	OR RATE ADDIT. FEE
INDEP.								
	2	MINUS	3				X 38 \$0	22 \$0
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM								
						+ 120		76 \$0
								+ 240
						TOTAL ADDIT. FEE	\$0	TOTAL \$0
						OR		

In the event that a further petition for an extension of time is required to be submitted at this time, applicant(s) hereby petition(s) under 37 CFR 1.136(a) for an extension of time for as many months as are required to ensure that the above-referenced application does not become abandoned. Any fee(s) should be charged to Deposit Account No. 04-1073.

- Please charge my Deposit Account No. 04-1073 in the amount of _____ A duplicate copy of this sheet is attached.
- A check in the amount of _____ is attached.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 04-1073. A duplicate copy of this sheet is attached.
- Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



Jon D. Grossman

Date: October 12, 1994

32,699

Reg. No.